

20 MAR 2000

SUBJECT GROUP 1600-1699 PERFORMANCE AND DISCIPLINE

SUBGROUP 1630 - SHORE PATROL AND MILITARY POLICE

1630.1 Shore Patrol

a. Organization and Administration of Shore Patrol. COMNAVREG MIDLANT exercises coordination control of all area Shore Patrol.

b. Area Shore Patrol Units

(1) Cherry Point, NC - Shore Patrol is under the administration and jurisdiction of Commanding General, Marine Corps Air Bases Eastern Area, Cherry Point, NC.

(2) Hampton Roads Area - The Hampton Roads Area as defined in this article, includes the cities of Norfolk, Portsmouth, Virginia Beach, Chesapeake, Newport News, Hampton, and Yorktown. The Shore Patrol is composed of permanently assigned personnel, under the command of Commanding Officer, Naval Amphibious Base, Little Creek.

c. Shore Patrol Appearance as Witnesses. Requests for Shore Patrol personnel to appear, as witnesses at courts-martial should, insofar as practicable, be held to a minimum. All requests for Shore Patrol witnesses shall be made to Shore Patrol Headquarters, 140 East Street, Norfolk, VA 23510, at least 48 hours in advance. Shore Patrol personnel should be scheduled to appear at the place of trial at a time when it is anticipated that they will be called to testify; i.e., when it is an afternoon session of the court-martial they should not be required to be present when the court convenes at 0800. Counsel should be alert to recommend to the court that Shore Patrol witnesses be released immediately upon conclusion of their testimony when it is known that they will not be recalled to testify. With regard to masts and office hours, written statements in lieu of the actual testimony of the witness at the hearing should normally be employed. The apprehension sheet prepared by arresting Shore Patrol personnel is considered to satisfy any requirement for a written statement. As a general rule, due to the nature of their duties, Shore Patrol personnel are not available for non-judicial punishment proceedings. The Shore Patrol Officer will determine requests for exception to this general rule.

d. Foreign Ship Visits

(1) Occasionally the vessels of foreign navies visit the Hampton Roads area; the arrival and departure of these ships appear on the Hampton Roads Area Ships Present List. The name of the Host Ship assigned to each foreign ship may be obtained by calling COMNAVREG MIDLANT Operations Department during normal working hours. Foreign ships may not provide Shore Patrol personnel during their visit. The responsibility of having vehicles available to transport foreign

20 MAR 2000

military personnel involved in incidents ashore rests with Hampton Roads Area Shore Patrol (HASP). For incidents aboard naval activities, contact the installation CDO, Officer of the Day or the installation Security Department.

(2) A team composed of an Officer or Chief Petty Officer and at least two Petty Officers will be designated and be available on the ship, during liberty hours, should assistance be required by HASP for disturbances on installations involving foreign naval personnel. At least one of these personnel should be able to act as an interpreter.

1630.2 Personnel Held or Charged with Criminal Offenses by Civil Authorities. Instructions regarding the disposition of personnel held or charged by civil law enforcement authorities are listed below.

a. The HASP maintains a 24 hour watch at Shore Patrol Headquarters located in downtown Norfolk. Among other duties, HASP receives police reports on the civil arrest of military personnel and arranges the return of those personnel to the cognizant command under the provisions of the Courtesy Turnover (CTO) Program. When information is received by HASP, the watch will notify the member's command by telephone or message providing pertinent data, such as offense, time and place of trial, etc. HASP informs parent commands of military members involved in any type of accidents/incidents with serious injuries. HASP provides input to the Armed Forces Disciplinary Control Board of civilian establishments that may pose a threat to safety of military members while on liberty. HASP apprehends military personnel in UA or Deserter status with the assistance of local law enforcement agencies.

b. Courtesy Turnover Program (CTO). The CTO program is beneficial to both the service member and the military. Countless dollars are saved each year in bonding fees, attorney fees, and lost man hours as a direct result of this program. The greatest benefit to the military, however, is the ability for the command to maintain readiness because the service members are at their duty stations vice in jail awaiting disposition of their cases. The key to the continuation of the CTO program is the degree of cooperation of its beneficiaries. Specifically:

(1) Service members should be cooperative with the police while in custody. Additionally, the Navy's Standard Organization and Regulations (SORM), OPNAVINST 3120.32 series, Article 510.6, requires each service member to immediately report being charged with any civil offense to their commanding officer or the officer of the deck/day in the commanding officer's absence.

(2) A command responsibility is to take custody of their personnel as soon as practical whether the individual is to be turned over at the quarterdeck, security gate, or medical facility. This is necessitated due to the volume of CTOs and personnel constraints. The

non-availability of Shore Patrol units generally requires other military personnel in police custody to go to jail rather than be returned for minor offenses.

(3) Commands must refrain from allowing a service member, delivered under the provisions of the CTO program, from being authorized liberty until at least liberty call the following day. When the service member may be under the influence of drugs or alcohol, commands must ensure expeditious testing and precautions to deter further altercations. Additionally, police officials take a dim view of seeing the offender at the crime scene shortly after being returned to their command - a common occurrence with some commands.

c. Court Liaison Program. Another important function of HASP is the monitoring of the civilian court systems to identify service members' involvement with more serious infractions of the law. This service benefits the service members and the commands. Court Representatives from HASP monitor court activities to ensure military members are dealt with in a fair and legal manner as well as provide important information to individuals charged. Court Representatives likewise provide information regarding the service members' cases to cognizant commands for action. Commands should be especially attuned to offenses involving drugs, alcohol, and serious felonies which require counseling, administrative, and/or further disciplinary action. The success of the Court Liaison Program is, again, largely dependent on the commands. The following measures are absolutely necessary in preventing the service member from being subjected to civil arrest and a court appearance on a contempt citation:

(1) Service members will notify their chain of command of any court appearance in a timely manner, and in all cases prior to deployment. Personnel will appear in court in the prescribed uniform of the day, prior to the time required, and will check in with the HASP Court Representative.

(2) Commands will allow the service member to appear in court and shall provide a responsible command representative to accompany the individual to court for other than very minor traffic violations. In the event the command will be away from the area during the court date and a service member is charged with a serious offense (felony), the individual will be left behind in "legal hold status". Personnel will be sent TEMADD to either the appropriate TRANSITPERSU or to the command's ISIC. The TEMADD orders will include accounting data to defray berthing, messing, and transportation expenses. Military members on "bond" must request authorization from the court when leaving the Hampton Roads Area.

d. Court Continuance Policy

(1) Shore Patrol sponsored court continuances are a courtesy granted by the majority of local judges and are only granted for the most minor traffic and misdemeanor offenses. They are official

20 MAR 2000

command requests from the commanding officer and must be signed by the commanding officer directly. A request for a continuance on a summons issued by civil authorities in the cities of Norfolk, Portsmouth, Chesapeake, Hampton, and Newport News only, shall be submitted to HASP Headquarters, 140 East Street, Norfolk, VA 23510, on official letterhead stationary, or message prior, to the scheduled trial date. All requests for continuances in traffic and criminal divisions of the Virginia Beach General District court for traffic infractions and misdemeanor offenses must be made via the Echelon 3 Commander in accordance with CINCLANTFLTINST 5800.4 and will be certified by the Echelon 3 Commander as being an operational necessity. All requests for continuances shall contain the following data:

- (a) Name, rank/rate, and social security number.
- (b) Date of birth.
- (c) Race and sex.
- (d) Offense(s) charged.
- (e) Summons number.
- (f) Arresting officer's name and badge number.
- (g) Time and date due in court.
- (h) Name and location of court.
- (i) Period of time in which offender can appear.
- (j) Specific justification for request.

(2) Special attention must be paid to the date the offender is available for a court appearance. Continuance dates are generally governed by the arresting officer's next scheduled court date. A minimum of a two-week period of availability will generally allow the flexibility necessary to set a new court date.

(3) If and when the continuance is granted, the commanding officer shall be notified on a prescribed form. Once a continuance has been granted and the individual fails to appear, a capias (or warrant) will be issued for their arrest.

(4) Restrictions. A request for a continuance in the case of sickness or other event considered an emergency will be considered on a case by case basis. Local operations of fleet units, TAD, inspections, etc., are not considered emergencies. Requests for continuances, regardless of class or type of offense involved, made by telephone or by personal letter will not be accepted by the court. Civil case, felony, and witnesses are not covered by the court

continuance policy. Continuances will not normally be entertained in these cases except under special circumstances.

(5) Waivers. In cases where it is known in advance that a ship will be deployed, or that other circumstances will prevent the scheduled appearance of the offender, they may appear early on a waiver, as indicated below:

(a) Minor traffic violations (such as failure to obey lights or signs, no city tags, failure to keep right, improper turn, speeding, no operator's permit, no registration card, or failure to yield right of way when an accident is not involved and a plea of guilty is intended) may be, in some cases, prepaid or placed on the docket earlier than the scheduled date. Contact the applicable traffic court (phone number on lower portion of traffic summons) to determine total amount due and necessary method of payment.

(b) More serious traffic violations (such as reckless driving, driving with a revoked permit, when an accident is involved) regardless of the intended plea, must be heard by the court, however, it is possible, in some cases, to move the trial up to accommodate shipboard operations.

(c) If an individual desires an earlier court date, they must contact the issuing or arresting officer to make the necessary arrangement to have the case placed on the court docket early. The Police Department concerned will provide information as to the correct procedure for contacting the officer concerned.

(6) Procedures. The commanding officer's representative should stand by the accused when they are called before the bar for hearing. The commanding officer's representative cannot act as attorney before the court, but may counsel personnel as to aspects of the case to be emphasized. If the accused desires to present a defense or information in extenuation or mitigation but cannot do so because they become flustered or incoherent, the commanding officer's representative should inform the judge that the individual does have a statement which should be heard for proper consideration of the case, and should respectfully request the judge to encourage the individual to testify further. If the individual testifies but inadvertently omits any important matters in defense or extenuation or mitigation, the commanding officer's representative may respectfully request permission of the judge to describe such omitted facts in order to ensure that the court hears the accused's side of the story. In serious cases it is recommended that a civilian attorney be retained.

(7) Method of Payments. Requests for continuances due to lack of funds will not be granted by the court. Individuals awarded fines and/or cost of court who do not have sufficient funds will be granted a time payment. Failure to comply with the conditions of the time payment will result in additional charges being placed against the individual and a possible jail sentence. If the individual has

20 MAR 2000

pay due on the books, it is usually beneficial to the Naval service in the saving of manpower to advise the accused that, if desired, the commanding officer's representative will carry a request to the commanding officer in order that arrangements can be made to pay to them special money in the amount of the fine to expedite their return to the command. The commanding officer may then direct the Disbursing Officer or an authorized representative to carry the amount of the fine to the individual at the place of confinement and, upon receiving their signature on the pay receipt, to pay the fine to effect release and return to the command.

(8) Special Considerations. In certain cases, service members convicted in state or federal courts are placed on probation and returned to Naval jurisdiction. If a commanding officer has such a person under their command, and discharge, release from active duty, or transfer pursuant to military orders to another jurisdiction is imminent, the commanding officer will determine whether or not such probationary status will expire subsequent to that person's discharge, release from active duty, or transfer. If it will, the commanding officer shall notify, in writing, the cognizant probation or parole officer of the expected date of discharge, release from active duty, or transfer prior to effecting the same and in sufficient time to enable the probation or parole officer to act on the matter. Care must be exercised to ensure that the provisions of the Privacy Act are not violated. Information provided to the probation or parole officer shall be limited to the fact that discharge, release from active duty, or transfer is scheduled for a certain date and, in case of transfer, may include identification of the command to which the service member is to be transferred. In situations involving discharge, the type or reason for discharge will not be revealed.

e. Case Records and Command Notification

(1) A report on all known court cases involving personnel identified as service members is prepared at Shore Patrol Headquarters on the same day the service member appears in court and is mailed to the service member's commanding officer on a Disposition of Civil Arrest Form. In court cases when military personnel are confined to civil authorities, the commanding officer shall also be notified immediately by the Shore Patrol Court Representative via the most expeditious method.

(2) Approximately 30% of service members appearing in civilian court do so without notifying the Shore Patrol Court Representative. Accordingly, when commands become aware of court proceedings, requests for dispositions or case status reports should be addressed to Hampton Area Shore Patrol, 140 East Street, Norfolk, VA 23510. Message requests should be addressed NAVPHIBASE LITTLE CREEK VA//N03//.

f. Civilian Confinement Visitations. In an effort to provide humanitarian assistance to Navy personnel confined in Hampton Roads

area civilian jails, commanding officers shall designate a representative to visit confined members of their command as soon as it is learned that a member is confined, and afterwards on a periodic basis. In the event of deployment or other operational commitments that preclude such visits, TRANSITPERSU Norfolk may be requested to assume cognizance of visitations.